IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21525 of 2004

Between:

Kandukuri Kishore Kumar, S/o. K. Seshacharyulu,
Archaka of Sri Shandapuri Janardhana Swamyvari Temple, and sub-temples of Venkateswara Swmy and
Sri Anjaneya Swamy, Kandukuru, Prakasam District. **... PETITIONER**

AND

1 The Executive Officer, Sri Skandapuri Janardhana Swamyvari Temple, Kandukuru, Prakasam District.
2 The Deputy Commissioner of Endowments Dept., Guntur.
3 The Regional Joint Commissioner of Endowments Dept, Multi Zone-II, Tirupathi.
4 Sri Kandukuru Venkata Seshacharyulu, S/o. Kundukuru Anantacharyulu, Kandukuri, Prakasham District. 5 Sri Kandukuru Janardhana Charyulu, S/o Kandukuru Ananthacharyulu, Kandukuru, Prakasam District. **...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order, direction or appropriate writ more particularly one in the nature of writ of mandamus directing the official respondents to implement the order in Rc.No.9/2002-1, dated 31.5.2003 of the 1st respondent appointing the petitioner as archaka of Sri Skandapuri Janardhana Swamy vari Temple, Kandukuru Prakasham District and also Sub-Temples of Venkateswara Swamy and Sri Anjaneya Swamy of Kandukuru and to hand-over charge of the said temples to the petitioner to enable him to perform his functions and duties as Archaka of the said temples with immediate effect.

Counsel for the Petitioner: MR.GOPALA RAO GANDRAKOTA

Counsel for Respondent Nos.2&3: GP FOR ENDOWMENTS

Counsel for Respondent No.1: Smt.N.Indrani, Standing Counsel for R1

Counsel for Respondent No.4: Mr.M.Vidya Sagar

The Court at the admission stage made the following :

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O R D E R:

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The petitioner claims to be a hereditary Archaka of Sri Skandapuri Janardhana Swamy Vari Temple, Kandukuru, Prakasam District. Consequent on the abolition of the rights of hereditary Archakas, himself and the respondents 4 and 5 submitted applications before the Executive Officer of the Devasthanam, the first respondent herein, for appointment as Archakas. The first respondent passed an order dated 31.05.2003, appointing the petitioner and the 5th respondent as Archakas in the scale of Rs.3290-6550, together with other allowances. The grievance of the petitioner is that though the order was passed more than one year ago, it has not been implemented so far.

This Court ordered notice before admission on 24.11.2004, and permitted the petitioner to take out notices. The respondents have since been served. A counter affidavit is filed on behalf of the respondent No.4, and the learned Government Pleader for Endowments had obtained instructions. The purport of their argument is that aggrieved by the orders of the first respondent dated 31.05.2003, the respondents 4 and 5 have filed R.P.No.6 of 2004 before the Regional Joint Commissioner, Endowments, Tirupathi, and in that view of the matter, the order of the first respondent was not implemented.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and the learned counsel for respondent No.4.

It is not in dispute that the first respondent passed an order, appointing the petitioner and the 5th respondent as Archakas of the temple. The respondents 4 and 5 felt aggrieved by the same and filed R.P.No.6 of 2004 before the third respondent. Though several contentions are advanced on behalf of the petitioner, as to the very maintainability of the R.P., this Court is not inclined to deal with the same at this stage. It shall be open to him to raise all such pleas before the third respondent

himself. It is not in dispute that the third respondent has not passed any interim order staying the operation of the order dated 31.05.2003 passed by the first respondent. In that view of the matter, there cannot be any justification for the first respondent in not implementing his own order.

Hence, the writ petition is allowed, and it is directed that the first respondent shall implement his order dated 31.05.2003 and take the petitioner into service as Archaka, forthwith and not later than two weeks from the date of receipt of a copy of this order, and allow him all the benefits provided for under the order. Taking of the petitioner into service of the temple shall however be subject to the result of the R.P.No.6 of 2004. There shall be no order as to costs.

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16th December, 2004

Note: Issue copy by 20.12.2004.

(B/o)

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To

1 The Executive Officer, Sri Skandapuri Janardhana Swamyvari Temple, Kandukuru, Prakasam District.
2 The Deputy Commissioner of Endowments Dept., Guntur.
3 The Regional Joint Commissioner of Endowments Dept., Multi Zone-II, Tirupathi.
4 Two C.Cs. to the Govt.Pleader for Endowments,

High Court building, Hyderabad (OUT)

5 Two CD copies